

REMARKS

This Amendment is in response to the Office Action mailed March 2, 2012. In the Office Action, claim “18” has been objected based on an informality. Applicant has amended the claim numbering to reflect that the Examiner’s understanding of the claim numbering is correct where claim “18” should be construed as renumbered claim 118.

Furthermore, claims 91-96 and 118-123 have been rejected under 35 U.S.C. §102(e) and claims 97-117 and 124-141 have been rejected under 35 U.S.C. §103(a). Herein, claims 91-93, 99-100, 107-109, 118, 120, 123, 126-127 and 132-134 have been amended. Claims 95, 119 and 122 have been cancelled without prejudice. Claims 143-145 have been added.

Applicant respectfully disagrees with the rejections and requests reconsideration of the pending claims in light of the amendments and remarks made herein.

Request for Examiner’s Interview

Applicant respectfully requests the Examiner to contact the undersigned attorney if, after reconsideration, there are still questions regarding patentability. Such discussions will greatly facilitate the prosecution of this case. The undersigned attorney can be reached at the telephone number listed below.

Rejection Under 35 U.S.C. §102(e)

Claims 91-96 and 118-123 have been rejected under 35 U.S.C. §102(e) as being anticipated by Horikawa (U.S. Patent No. 6,009,102). Applicant respectfully traverses the rejection because a *prima facie* case of anticipation has not been established.

As the Examiner is aware, to anticipate a claim, the reference must teach every element of the claim. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Vergegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the...claim.”

Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989). Herein, Horikawa does not describe each and every limitation set forth in the claimed invention.

For instance, with respect to independent claim 91 for example, Applicant respectfully submits that Horikawa does not describe the operation of establishing a connection between the source station and a server for the destination station, where the server includes a server cache containing at least a mapping of NBMA subnetwork layer addresses to internetwork layer addresses to resolve an internetwork address. As claimed, one embodiment of the invention is directed to obtaining information to resolve an internetwork address in a non-broadcast, multiple access (NBMA) network using an Inverse Next Hop Resolution Protocol (InNHRP), where the InNHRP server is claimed to maintain a cache containing mapping of NBMA subnetwork layer addresses to internetwork layer addresses. The cache can be constructed from information obtained from InNHRP request/reply packets or through other mechanisms.

Upon review of Horikawa, Applicant respectfully submits that, *inter alia*, such mapping is not described in the reference. Hence, the lack of the limitation warrants withdrawal of the outstanding §102 rejection as applied to claim 91. The same general arguments are applicable to independent claim 118.

With respect to dependent claims 92-96 and 119-123, Applicant respectfully submits that a *prima facie* case of anticipation has not been established for these claims as well. Furthermore, based on the dependency of claims 92-96 and 119-123 on independent claims 91 and 118, which are believed by Applicant to be in condition for allowance, no further discussion as to the allowability of these claims is warranted at this time. Applicant reserves the right to present such arguments if an Appeal is warranted.

In light of the foregoing, Applicant respectfully requests withdrawal of the outstanding §102 rejection as applied to claims 91-96 and 118-123.

Rejection Under 35 U.S.C. §103(a)

A. §103(A) REJECTION OF CLAIMS 97-116 AND 124-141

Although page 7 of the Office Action denotes that one of the §103(a) rejections is directed to claims 18, 91-116 and 118-141, upon review of the grounds for rejection, it appears that the Examiner has rejected claims 97-116 and 124-141 under 35 U.S.C. §103(a) as being unpatentable over Horikawa (U.S. Patent No. 6,009,102) in view of Cox (U.S. Patent No. 6,189,041). Applicant respectfully traverses the rejection because a *prima facie* case of obviousness has not been established.

To establish a *prima facie* case of obviousness, certain basic criteria must be met. For instance, the prior art references, when combined, must teach or suggest all of the claim limitations. *See MPEP §2143*. Herein, as described below, the cited references, namely Horikawa and Cox, do not teach or suggest all of the claim limitations. Thus, no *prima facie* case of obviousness has been established.

Additionally, the Supreme Court in *Graham v. John Deere*, 383 U.S. 1, 148 USPQ 459 (1966), stated: “Under § 103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background, the obviousness or nonobviousness of the subject matter is determined.” *See MPEP §2141*. In *KSR International Co. vs. Teleflex, Inc.*, 127 S.Ct. 1727 (2007) (Kennedy, J.), the Court explained that “[o]ften, it will be necessary for a court to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine *whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue.*” *Emphasis Added*. The Court further required that an explicit analysis for this reason must be made. “[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *KSR 127 S.Ct.* at 1741, quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006).

First, based on the arguments set forth above, Applicant respectfully submit that neither Horikawa nor Cox, alone or in combination, describe or suggest the limitations set forth in independent claims 91 and 118.

Second, in the outstanding §103(a) rejections directed to packet type and data structure for the claimed request and reply packets, namely the rejections of claims 99-100, 107-109, 126-127 and 132-134, the Examiner relies on an illustration (FIG. 5) of a Local Area Network Emulation (LANE) shortcut (500) over an Asynchronous Transfer Mode (ATM) network. However, upon review of the data structure of LAN shortcut (500), there are clear differences between this data structure and the claimed invention. Applicant respectfully submits that certain claims have been amended to more clearly denote some of these distinctions.

Withdrawal of the outstanding §103(a) rejections as applied to 97-116 and 124-141 is respectfully requested.

B. §103(A) REJECTION OF CLAIMS 117 AND 142

Claims 117 and 142 are rejected under 35 U.S.C. §103(a) being unpatentable over Horikawa in view of Cox and Beser (U.S. Patent No. 6,442,158). Applicant respectfully traverses the rejection because a *prima facie* case of obviousness has not been established for these claims. Furthermore, based on the dependency of claims 117 and 142 on independent claims 91 and 118, which are believed by Applicant to be in condition for allowance, no further discussion as to the allowability of these claims is warranted at this time. Applicant reserves the right to present such arguments if an Appeal is warranted.

Conclusion

Applicant respectfully requests that the Examiner reconsider the rejections and issue a timely Notice of Allowance.

Respectfully submitted,

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